

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/833,511 04/07/97 LUDWIG

L VCDR-001/14U

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WM01/0307

EXAMINER

RAMAKRISHNAIAH, M

ART UNIT	PAPER NUMBER
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2643

#27

DATE MAILED:

03/07/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Advisory Action**

Application No.

08/833,511

Applicant(s)

Lester F. Ludwig.

Examiner

Melur Ramakrishnaiah

Group Art Unit

2643



## THE PERIOD FOR RESPONSE: [check only a) or b)]

a)  expires 3 months from the mailing date of the final rejection.

b)  expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

Appellant's Brief is due two months from the date of the Notice of Appeal filed on \_\_\_\_\_ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Feb 9, 2001 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

The proposed amendment(s):

will be entered upon filing of a Notice of Appeal and an Appeal Brief.

will not be entered because:

- they raise new issues that would require further consideration and/or search. (See note below).
- they raise the issue of new matter. (See note below).
- they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant's response has overcome the following rejection(s):  
\_\_\_\_\_

Newly proposed or amended claims \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:

Rejection of claims 1-7, 9, 11-15, 25-32 is maintained based on Shibata et al. in view of Larson and Hirano. Please see the enclosed explanation in response to Applicants' arguments with respect to final rejection dated 11-3-2000.

The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: \_\_\_\_\_

Claims objected to: \_\_\_\_\_

Claims rejected: 1-7, 9, 11-15, and 25-32

The proposed drawing correction filed on \_\_\_\_\_ has  has not been approved by the Examiner.

Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Other

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**Response to Arguments to final office action dated 11-03-00**

With respect to rejection of independent claim 1 and 7, Applicant describes, on page 2 of his response to the final rejection dated 11-03-00, the following: "As pointed out in the Preliminary Amendment, adaptive acoustic echo cancellation requires sophisticated modeling ... including their size, location, and acoustic properties. There is more involved than just installing components in a single box, which is all that prior art combination on which the Examiner relies amounts to". Needless to say, Applicant just describing intricacies of adaptive echo cancellation which is not in the claim limitations of Applicants's claims. Applicant further argues, with respect to Shibata's reference, that "By contrast, the language in Shibata describing its multi point teleconference system does not describe or imply the existence of unitary housing with speaker (s) and microphone (s) in fixed position with respect to one another". It stands to reason to point out that Shibata clearly implies that components described in his system need to be housed in a housing (col. 21 lines 1-60, col. 26 lines 47-49) and Larson clearly teaches unitary housing with audio capture and reproduction devices into the unitary housing in a fixed spatial relationship with respect to each other (fig. 8A, col. 26 lines 5-67, col. 27 lines 1-3). The combination of Shibata with Larson teaches claim limitation of unitary housing.

Applicant further argues, on page 4, of his response to the final office action dated 11-03-00, that "Additionally, three criteria must be met .... The burden of establishing prima facie case of obviousness rests with the examiner". In response to applicant's argument that there is no

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suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, as already stated in the final office action, Larson discloses video phone for simultaneous audio and video communications via a standard telephone line which teaches a unitary housing with audio capture and reproduction devices integrated into the unitary housing in a fixed spatial relationship with respect to each other (fig. 8A, col. 26 lines 5-67, col. 23 lines 1-3).

Hirano discloses multichannel echo canceling method and apparatus which teaches an adaptive echo canceler (fig. 3, col. 21 lines 42-67, col. 22 lines 1-10).

The motivation to combine these references would be obvious to one skilled in the art as this would provide means to combat pernicious effects of echo in audio reproduction of conference apparatus of Larson, thus providing better audio reproduction for conferees of the video conference. Since combination of Shibata, Larson and Hirano teach claim limitations of independent claims 1 and 7, the rejection of the claims is maintained. The rejection of dependent claims 2-6 and 9, 11-15 is already detailed in the office action dated 2-25-00.

Therefore, in view of the above explanation and as already explained in the final office action, the examiner has met the burden of establishing a prima facie case of obviousness and

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rejection of claims independent claims 1 and 7 is maintained and rejection of other claims 2-6, 9, 11-15 and 35-32 is maintained as described in the final office action dated 11-03-00.



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